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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/962,077	09/14/1998	ROMAN M. GOLICZ	9534	8430

7590 12/03/2001

CHARLES G NESSLER
P O BOX H
CHESTER, CT 06412

EXAMINER

SKAGGS JR, H GRANT

ART UNIT	PAPER NUMBER
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3651

DATE MAILED: 12/03/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

08/962,077

Applicant(s)

Golicz et al

Examiner

Skaggs

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-44 is/are pending in the application.
- 4a) Of the above claim(s) 33-38 and 40-44 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-32 and 39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9, 12, 17. 6) ☐ Other: _____

DETAILED ACTION

Election/Restriction

Applicant's election with traverse of Species I in Paper No. 19 is acknowledged. The traversal is on the ground(s) that the election requirement is based on figures rather than claims and that the examiner has not shown why the species are patentably distinct. This is not found persuasive because it is common office practice to use figures to show different species of an invention. Further any claim directed to the elected species or figure will be examined and thus there is no hardship placed on applicants. Further it would be improper to pick and choose parts of different embodiments and then try to claim them as part of the disclosed invention. Still further the fact that the figures are to different embodiments do in fact show that the species are distinct and, as set forth in the election requirement, if applicants believe the species are not patentably distinct they can so state and the indicated species would be rejoined with the elected species. As to what the British examiner did with a related application, it is irrelevant to the present application since the laws and practice of the two patent offices are different. Applicant sets forth that claim 37 is generic and that claims 26 and 39 read on Species I. Obviously if claim 37 does not read on Species I it is not generic. Further rejoinder will be determined by the examiner at the time of allowance of the application and if a generic claim is present it will then be determined what species can be rejoined with the elected species. Still further the examiner has determined that claims 33-36 are directed to a nonelected species and thus have been withdrawn from consideration. Claim 33 defines a second prompt, claim 34 defines an axle not found

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in the elected species, and claim 36 defines a groove on the prompter belt not found in the elected species.

The requirement is still deemed proper and is therefore made FINAL.

Claims 33-38 and 40-44 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 19.

Claim Rejections - 35 USC § 112

Claim 32 and 39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to claim 32 the phrase "between about 1.3:1 and 4:1 of which is triangular and has a height to width aspect ratio of between about 2:1 and 4:1" is not understood. What does this phrase mean? Also it is noted that this phrase might be based on new matter.

With regard to claim 39, the phrase "opposing mounting blocks, slidably and detachably mounted on the apparatus" is not understood. The blocks are part of the apparatus. Are the blocks slidable on themselves? That is what specific part of the apparatus are the blocks slidable along?

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Habich et al or Anderson et al (cited by applicants).

Habich et al shows a shaft 1, a first roller 9, a body 11, a second roller 12, a belt 13, means for moving the belt (2+) around the rollers, and means for imparting to the body a first moment created by rotary force to the body (the clockwise rotation of the shaft 1).

Anderson et al shows a shaft 49, a first roller 48, a body 52, a second roller 50, a belt 26, means for moving the belt drive to shaft 49, and means for imparting to the body a first moment (the direction of rotation of the belt 26).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Habich et al or Anderson et al.

Merely having the second roller of Habich et al or Anderson et al at a higher elevation than the first roller would require mere choice or expedience since the apparatus would work equally well if the second roller is at the higher elevation or at a lower elevation.

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Claims 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Habich et al or Anderson et al in view of O'Brien et al (cited by applicants).

Merely having the body 11 or 52 of Habich et al and Anderson et al, respectively, have a bifurcated end to straddle the first roller and engage the shaft would require mere choice of art recognized equivalent connections as made obvious by O'Brien et al. Note 40 in Fig. 4 of O'Brien et al. With regard to claim 28 it is well known that belts connection pulleys can be made from elastomer and to do so with the modified Habich et al or Anderson et al apparatus would be obvious. In line 1 of claim 28 "is stretched" should be --is stretched--.

Claims 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Habich et al or Anderson et al in view of Watanabe.

To have the belts of Habich et al or Anderson et al formed with transverse ribs would require mere choice of known types of belts for engaging sheets as made obvious by Watanabe. Note 7 of Watanabe. Claim 32 is rejected as understood.

Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Habich et al or Anderson et al in view of Irsik.

As understood, to have the shafts 1 and 49 of Habich et al or Anderson et al, respectively, supported by opposing blocks slidable in slots on supporting frames to enable adjustment thereof would be obvious in view of Irsik. Note blocks 48 of Irsik. Further to have the blocks held in position by resilient springs would be an obvious expedient since the use of springs to hold down structural elements is well known.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

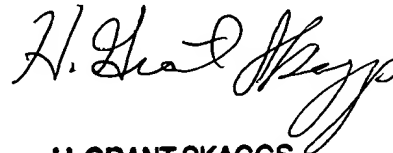
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ex. Skaggs whose telephone number is (703) 308-2573. The examiner can normally be reached on Monday – Thursday from 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Ellis can be reached on (703) 308-2560. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and the same for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

hgs
November 19, 2001



**H. GRANT SKAGGS
PRIMARY EXAMINER**